

17. (Original) The method of failover transitioning a VLAN of claim 10, wherein said detecting step comprises using ping track.

18. (Original) The method of failover transitioning a VLAN of claim 10, wherein said detecting step comprises using port track.

19. (Original) The network failover transition system of claim 1, further comprising a third switch having a master mode and a standby mode, said third switch configured to provide switching between a second set of ports while in said master mode, wherein said second switch is in said master mode when said third switch is in said standby mode, and said second switch is in said standby mode when said third switch is in said master mode.

### Remarks

The Examiner has rejected claims 1-19 under 35 U.S.C. §103 as obvious over Extremeware Software User's Guide ("Extremeware"). The Examiner concedes that Extremeware does not disclose the elements: "wherein at least one of said ports flushes a layer 2 forwarding database and rebroadcasts for a new path."

Notwithstanding the absence of this teaching in Extremeware, the Examiner contends that it would have been obvious to have one of the ports flush a layer 2 forwarding database and rebroadcast for a new path. The Examiner directs Applicant's attention to Dynamic FDB discussed in Extremeware. However, the Dynamic FDB, by the Examiner's own admission, does not teach the flushing of a layer 2 forwarding database at all. Moreover, it does not teach the flushing of a layer 2 forwarding database "upon said configuration of said second switch to

transition to said master mode,” as claimed in claim 1. Accordingly, claim 1 and dependent claims 2-19 are allowable over the prior art of record.

Additionally, claims 1 and 10, as amended, require a wide-area fiber optic failover transition system. ESUG, upon which the Examiner relies, is a network control software program in the context of a server farm or local area network. Nowhere does ESUG teach or suggest that any of its functionality can or should be applied to a fiber optic wide area network.

As set forth in the specification, prior to the invention as claimed, prior art service providers provided SONET services, and had not focused on Ethernet-types services in conjunction with optical fiber. Among other substantive differences, claims 1 and 10 are limited to wide-area fiber-optic networks. Nothing in ESUG suggests a fiber optic network. Indeed, Applicant disclosed ESUG as a potentially useful approach to use in conjunction with its claimed architecture. *See Specification, pp. 16-17.* The Examiner, for example, cites the following figure 10-7 of ESRP Groups, which are described as providing failover within a subnet, which is described as “the most typical application.” Nowhere is disclosed a fiber optic network as described.

ESUG thus fails to teach or suggest the elements and limitations of claims 1 and 10. The claims, as amended, clarify this fundamental distinction from ESUG.

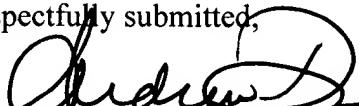
#### **IV. Conclusion**

In view of the amendments and remarks set forth above, Applicant submits that the pending application is in condition for allowance, which Applicant respectfully requests. Should

the Examiner have any continuing issues with the patentability of the pending claims, he is invited to contact the undersigned to arrange an interview on the matters raised herein.

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Respectfully submitted,

By 

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